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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,878	02/09/2006	Yoshiaki Nakanishi	39650	2384
53054 7590 08/05/2009 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER				
LABAZE, EDWYN				
ART UNIT		PAPER NUMBER		
2887				
NOTIFICATION DATE		DELIVERY MODE		
08/05/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@peame.com  
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# Office Action Summary

**Application No.**

10/567,878

**Applicant(s)**

NAKANISHI ET AL.

**Examiner**

EDWYN LABAZE

**Art Unit**

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 and 11 is/are rejected.  
7) ☒ Claim(s) 9 and 10 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date 02/09/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Receipt is acknowledged of IDS filed on 02/09/2006.
2. Claims 1-11 are presented for examination.
3. This application is a 371 of PCT/JP04/13401 filed on 09/08/2004.

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 5, 8, and 11 are rejected under 35 U.S.C. 102(b) as being broadly anticipated by Ono et al. (US 2002/0050515).

Re claims 1, 5 and 11: Ono et al. discloses portable card unit processing apparatus, which includes a first communication unit {herein first communication section 243} and a second communication unit {herein second communication section 244}; as shown in fig.# 1} for executing, at one and the same time, only one of a first process {herein charge/discharge control unit 241} being performed in response to a process request command received from the first communication unit 243 and a second process {herein basic processing unit 242} being

performed in response to a process request command received from the second unit, comprising: unit which executes the first process and the second process (§ 36-50, 60-79); and a status change unit {herein Ono teaches that he MPU 20 notifies of a receivable status; such as a wait, receivable and/or transmittable status}, wherein the status change unit response, in terms of a current execution status of a process of the processing unit, when the status change unit receives a check request command for inquiring a condition of the process of the processing through the second and wherein the status change unit sends the processing unit an instruction to change the process of the to the second process if the processing unit is not engaging in execution of the first process when the status change unit receives a change request command for giving an instruction to change the process of the processing unit to the second process through the second communication unit (§ 60-79, 95-113).

Re claim 2: Ono teaches system and method, wherein the status change gives a response indicating that the process of the processing unit can be changed to the second process, to the check request command, if the processing unit is not engaging in execution of the first process currently (§ 33, 44-54, 80-83).

Re claim 8: Ono teaches system and method, wherein the information storage device supervision unit transmits the check request command repetitively to the information storage device (§ 46, 82).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-4 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al (US 2002/0050515) in view of Yoshigi et al. (U.S. 6,637,664).

The teachings of Ono et al. have been discussed above. Ono et al. further teaches an external communication interface 14 (see fig. #1; ¶ 33, 40-47) and that the IC card may a radio card (¶ 100).

Ono et al. fails to specifically teach a contact-less communication.

Yoshigi et al. teaches composite card, which includes a dual interface for both contact {through contact points 2} and non-contact {through RF interface 8} connection (see fig.# 1; col.3, lines 6-67; col.4, lines 1-67).

In view of Yoshigi et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Ono et al. a contact-less communication interface for wireless transaction. Such modification would be beneficial in enabling faster card reading/processing and polling with a proximity distance through an antenna or radio interface.

#### ***Allowable Subject Matter***

9. Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to specifically teach that when there is a response indicating “impossibility or possibility” of change to the check request command from the information storage device a predetermined consecutive number of times after there is a response indicating possibility of change to the check request command from the information storage device, the information storage device supervision unit concludes that the information storage device is engaging in execution of the “first process or second process”, so as “not to transmit or to transmit” the change request command to the information storage device.. These limitations in conjunction with other limitations the claimed invention were not shown by the prior art of record.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/  
Primary Examiner, Art Unit 2887